

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ALI EDWARDS,

Plaintiff,

v.

No. 9:04-CV-320
(FJS/GJD)

DAVID SMITH,
Correctional Officer,

Defendant.

APPEARANCES:

OF COUNSEL:

ALI EDWARDS
05-A-4242
Plaintiff, Pro Se
Auburn Correctional Facility
PO Box 618
Auburn, NY 13021

HON. ANDREW M. CUOMO
New York State Attorney General
Attorney for Defendant
The Capitol
Albany, New York 12224

NELSON R. SHEINGOLD
Assistant Attorney General

FREDERICK J. SCULLIN, JR., S.J.:

DECISION AND ORDER

The Court has reviewed Magistrate Judge Gustave J. DiBianco December 19, 2006 Report-Recommendation and the entire file in this matter. Plaintiff attempted to file objections to the Report-Recommendation, but the Court returned these submissions to him because he had not served them upon opposing counsel. The

Court also extended the deadline for Plaintiff to file objections to January 19, 2007. See Dkt. No. 57. Thereafter, Plaintiff filed no objections to said Report-Recommendation. Accordingly it is hereby

ORDERED, that the Report-Recommendation of Magistrate Judge Gustave J. DiBianco filed December 19, 2006 is **ACCEPTED** in its entirety, for the reasons stated therein; and it is further

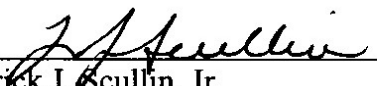
ORDERED, that defendant's motion for summary judgment is **GRANTED**, and it is further

ORDERED, that plaintiff's amended complaint is **DISMISSED IN ITS ENTIRETY**, and it is further

ORDERED, that the Clerk of the Court is to enter judgment in favor of the Defendant and close this case.

IT IS SO ORDERED.

DATED: February 6, 2007
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge